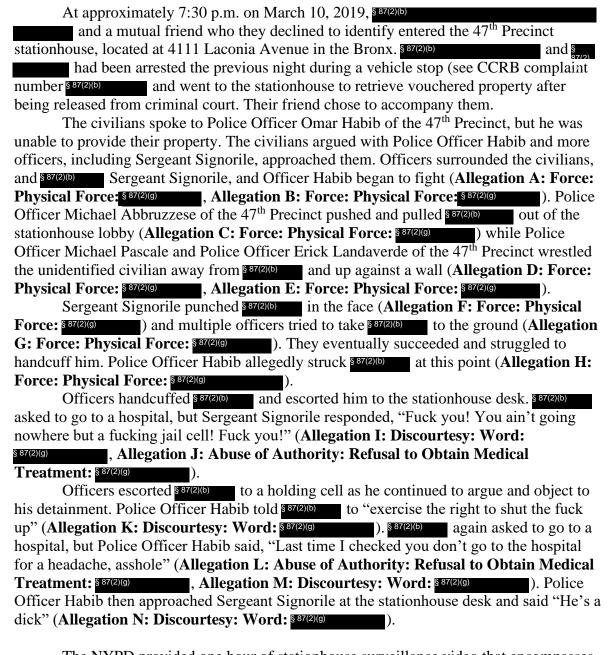
CCRB INVESTIGATIVE RECOMMENDATION

Investigator:	Те	am:	CCRB Case #:	☑ F	Force	V	Discourt.	U.S.
Matthew Chaves	Sq	uad #7	201902427	☑ A	Abuse		O.L.	Injury
Incident Date(s)	Lo	cation of Incident	<u> </u>	Pre	ecinct:	18 N	Ao. SOL	EO SOL
Sunday, 03/10/2019 7:30 PM	47	th Precinct station	house		47	9/1	0/2020	4/27/2021
Date/Time CV Reported	CV	Reported At:	How CV Reporte	d: E	Date/Time	Recei	ved at CC	RB
Sun, 03/10/2019 10:58 PM	IA	В	Phone	v	Ved, 03/2	0/2019	11:02 Al	М
Complainant/Victim	Туре	Home Add	lress	•				
Witness(es)		Home Add	Iress					
Subject Officer(s)	Shield	TaxID	Command					
1. SGT Joseph Signorile	03197	949663	PBBX SU					
2. POM Omar Habib	00748	942899	047 PCT					
3. POM Michael Abbruzzese	06138	955701	047 PCT					
4. POM Michael Pascale	05708	957008	047 PCT					
5. POM Erick Landaverde	26042	964107	047 PCT					
6. Officers			047 PCT					
Witness Officer(s)	Shield No	Tax No	Cmd Name					
1. POM Julio Veras	18693	959343	047 PCT					
2. POF Jeannette Lopez	862	955087	047 PCT					
3. POM Daniel Bergamini	11304	955754	047 PCT					
Officer(s)	Allegation				Inve	estigat	or Recor	nmendation
A.SGT Joseph Signorile	Force: Serge § 87(2)(b)	ant Joseph Signor	ile used physical forc	ce again	nst			
B.POM Omar Habib	Force: Police against § 87(2)(abib used physical for	rce				
C.POM Michael Abbruzzese	Force: Police force against		Abbruzzese used phy	ysical				
D.POM Michael Pascale	Force: Police against an in		Pascale used physica	l force				
E.POM Erick Landaverde	Force: Police against an in		ndaverde used physic	cal force	e			
F.SGT Joseph Signorile	Force: Serge § 87(2)(b)	ant Joseph Signor	ile used physical forc	ce again	nst			
G. Officers	Force: Office	ers used physical t	force against § 87(2)(b)					
H.POM Omar Habib	Force: Police against § 87(2)(abib used physical for	rce				

Officer(s)	Allegation	Investigator Recommendation
I.SGT Joseph Signorile	Discourtesy: Sergeant Joseph Signorile spoke discourteously to §87(2)(b)	
J.SGT Joseph Signorile	Abuse: Sergeant Joseph Signorile did not obtain medical treatment for § 87(2)(b)	
K.POM Omar Habib	Discourtesy: Police Officer Omar Habib spoke discourteously to \$87(2)(b)	
L.POM Omar Habib	Abuse: Police Officer Omar Habib did not obtain medical treatment for \$ 87(2)(b)	
M.POM Omar Habib	Discourtesy: Police Officer Omar Habib spoke discourteously to \$87(2)(b)	
N.POM Omar Habib	Discourtesy: Police Officer Omar Habib spoke discourteously to §87(2)(b)	

Case Summary

On March 10, 2019, Sergeant Joseph Signorile of the 47th Precinct called IAB and reported the following incident, which received original log number 19-9545. It was referred to the CCRB as referral log number 2019-9909, where it was received on March 20, 2019.



The NYPD provided one hour of stationhouse surveillance video that encompasses portions of this incident (**Board Review 01**), and the investigation used Input Ace to produce a shorter sub-clip that highlights many of the force allegations (**Board Review 02**).

The investigation also obtained BWC video from Police Officer Julio Veras of the

47th Precinct (**Board Review 03**, **05**, and **06**), Police Officer Pascale (**Board Review 04**), Police Officer Habib (**Board Review 07**), and Police Officer Landaverde (**Board Review 08**).

Findings and Recommendations

Allegation A – Force: Sergeant Joseph Signorile used physical force against 887(2)(b)

Allegation B – Force: Police Officer Omar Habib used physical force against §87(2)(b)

Allegation C – Force: Police Officer Michael Abbruzzese used physical force against § 87(2)(b)

Allegation D – Force: Police Officer Michael Pascale used physical force against an individual.

<u>Allegation E – Force: Police Officer Erick Landaverde used physical force against an</u> individual.

Allegation F – Force: Sergeant Joseph Signorile used physical force against 887(2)(6)

Allegation G – Force: Officers used physical force against §87(2)(b)

Review 09). Police Officer Habib was interviewed on December 16, 2019 (Board Review 10). Sergeant Signorile was interviewed on January 28, 2020 (Board Review 11).

and the interviewed officers provided similar accounts of the first phase of this incident, and these accounts are consistent with the stationhouse and BWC videos. The civilians waited in the stationhouse lobby, periodically speaking to Police Officer Habib and other officers, for approximately 30 minutes about retrieving their vouchered property (12:45 to 43:20 of **Board Review 01**). Police Officer Habib told them that he could not release their property without them going to the Bronx DA's office to obtain that agency's authorization.

(wearing a black and orange coat over a red hooded sweatshirt, with medium-length hair and full facial hair), (wearing a maroon coat and a black hood over his head), and (wearing a black coat with a fur-trimmed hood and a separate black hood over his head) argued with Police Officer Habib, and he offered to make photocopies of the relevant vouchers so that the civilians could show them to the DA's staff. As Police Officer Habib walked to the property storage room to make these copies (0:01 of **Board Review 02**), Sergeant Signorile and other officers approached the incident. Sergeant Signorile loudly ordered the civilians to leave, telling them that their business in the stationhouse was over. Police Officer Veras' BWC video shows Sergeant Signorile telling the civilians "That's it, that's it, we're done" (0:26 to 0:47 of **Board Review 03**).

and saze for their property. Their friend left his seat near the stationhouse door and approached the argument (0:10 of **Board Review 02**, note the male wearing a black San Antonio Spurs hooded sweatshirt with the hood on his head). At this point there were multiple uninvolved civilians waiting in the stationhouse lobby, and people were regularly entering the lobby through the nearby door. The incident happened directly at the edge of a

four-step set of stairs leading to the door.

Multiple officers surrounded the civilians, and \$\frac{8}{87(2)(b)}\$ and their friend all tried to convince to leave. However, he became more upset (apparently shouting and gesturing rapidly) and refused to leave. \$\frac{8}{87(2)(b)}\$ s wrist or arm, but he yanked his arms away from all of them. Sergeant Signorile grabbed \$\frac{8}{87(2)(b)}\$ around the arms and torso from behind, while Police Officer Habib grabbed his sweatshirt hood (0:45 of **Board Review 02**). At almost the same time, Police Officer Pascale began hand-fighting with the unidentified civilian, eventually gripping his clothing and pushing him against the stationhouse wall. Police Officer Landaverde then approached this struggle, helped Police Officer Pascale bring the civilian down the stationhouse stairs, and helped handcuff the civilian (0:55 to 1:30 of **Board Review 02**).

Police Officer Abbruzzese grabbed [887(2)(5)] by the right side of his chest and back, separated him from and pushed him down the stairs to the stationhouse door. [887(2)(5)] pushed back against Police Officer Abbruzzese and tried to free his arms from his grip, but Police Officer Abbruzzese succeeded in pushing him out the door and on to the sidewalk (0:50 to 1:10 of **Board Review 02**).

and the unidentified civilian struggled with other officers, \$\frac{8}{5}(2)(0)\$ continued to fight Police Officer Habib and Sergeant Signorile. \$\frac{8}{5}(2)(0)\$ and Sergeant Signorile grabbed each other's clothing at the neck and shoulders as at least two other officers grabbed \$\frac{8}{5}(2)(0)\$ s back and leg from behind. The stationhouse video does not clearly capture this portion of the incident, as \$\frac{8}{5}(2)(0)\$ Sergeant Signorile, and Police Officer Habib rapidly move in and out of the video frame. The only BWC video to encompass this timeframe (PO Pascale's) is also unclear, with multiple officers' bodies blocking \$\frac{8}{5}(2)(0)\$ from view and the camera turning away as the struggle is still unfolding (see 0:20 to 0:40 of **Board Review 04**).

However, \$57(2)(6) alleged in his sworn statement that an officer punched him multiple times in the head and face at approximately this point in the incident. In his interview, Sgt. Signorile acknowledged punching \$57(2)(6) once in the face with a closed fist and explained that he did this to overcome \$57(2)(6) or s resistance.

Multiple officers, including Police Officer Habib, tackled stationhouse floor (1:00 to 1:20 of **Board Review 02**).

According to their NYPD MOS photos, Police Officer Habib is \$87(2)(b)

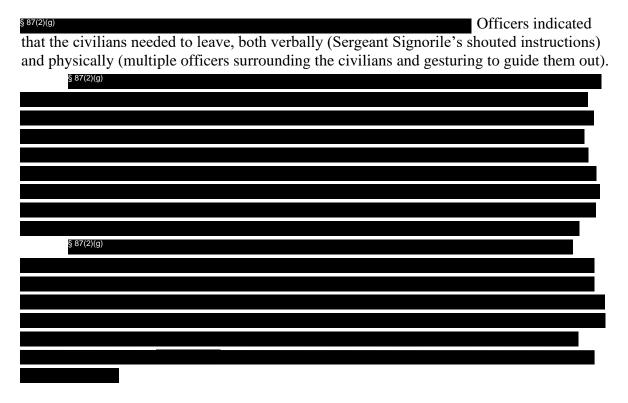
while Sergeant Signorile is \$87(2)(b)

According to his arrest photograph from this incident, \$87(2)(b) is \$87(2)(b)

(Board Review 12).

Under NYPD Patrol Guide Procedure 221-01, an officer may use force to ensure the safety of officers and civilians or to place a person in custody. The use of force must always be reasonable under the circumstances. In determining whether the use of force is reasonable, officers should consider numerous factors, including the subject's actions, the immediacy of possible harm to the subject, officer, and/or bystanders, whether the subject is actively resisting custody, and the size, age, and condition of the subject in comparison to officers (**Board Review 13**).

§ 87(2)(g)

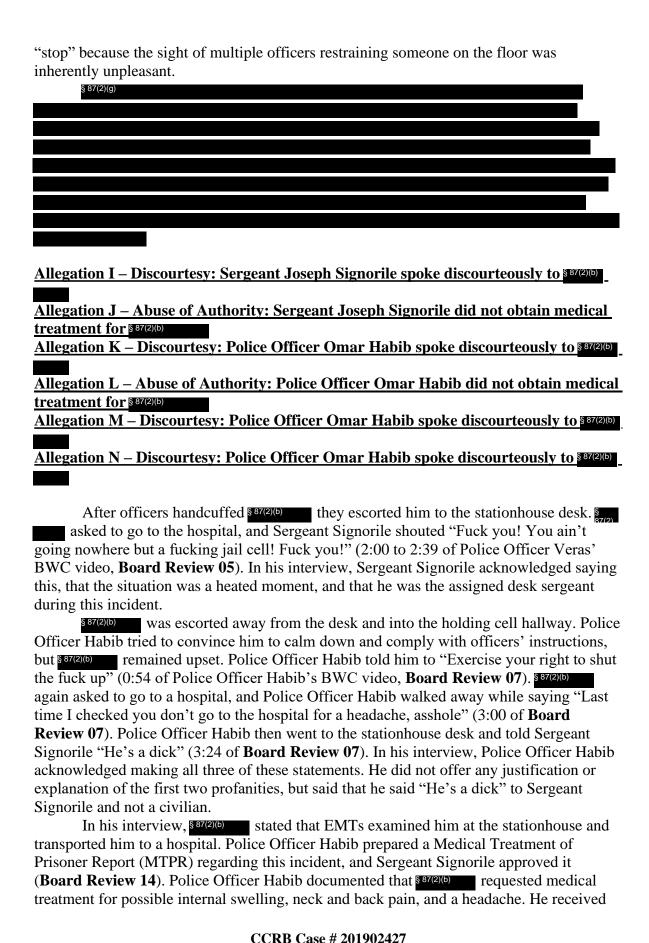


Allegation H – Force: Police Officer Omar Habib used physical force against 887(2)(b)

In his sworn statement, stated that once he was on the stationhouse floor, an officer or officers told him to put his hands behind his back. However, he could not comply with this instruction because an officer was on his back. An officer or officers struck approximately four times in the right side of his back. The officers then handcuffed him.

The stationhouse surveillance video does not show this portion of the incident, as and several officers fell to the floor outside of the video frame. Police Officer Veras' BWC was the only one to record this portion of the incident, and this video is not clear or comprehensive (**Board Review 05**). At 0:25, officers bring (**Board Review 05**). At 0:29, Police Officer Habib appears to elbow or punch (**Board Review 05**) at least once, but the action is blurry and obscured. A female civilian's voice then calls out "stop, stop" and a male voice, apparently Police Officer Veras, says "Yo, Habib." Throughout this portion of the video, it is not possible to clearly see (**Board Review 05**) sor the involved officers' positions and actions

In his interview, Police Officer Habib viewed and discussed this BWC video. He described strice as strongly resisting the officers' attempts to handcuff him by clenching his arms underneath his body and refusing to put them behind his back as ordered. Police Officer Habib acknowledged landing one elbow strike on strike on the video, but did not recall where on strice is body this elbow strike landed. The investigation asked Police Officer Habib if he struck strice again between 0:31 and 0:33 in the video. He denied doing so and explained that instead, he grappled with and tried to get a grip on his wrist. He stated that Police Officer Veras said "Yo, Habib" because the two officers were near one another, and that the female civilian yelled



	§ 87(2)(g)				
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treatment at § 87(2)(b)

CCRB Case # 201902427

CCRB CTS – Confidential Page 6

CCRB recommended Command Discipline B and the NYPD enforced Command Discipline A.

- Police Officer Habib has been a member of service for 13 years and has been a subject in three other CCRB complaints and eight other allegations, six of which were substantiated. In two previous complaints, the CCRB substantiated force allegations against Police Officer Habib.
 - CCRB complaint number 200914904 involved a substantiated allegation of physical force against Police Officer Habib. The CCRB recommended Command Discipline and the NYPD penalized Police Officer Habib 35 vacation days and five days suspension.
 - CCRB complaint number 201602469 involved substantiated allegations of stop and retaliatory summons against Police Officer Habib. The CCRB recommended Command Discipline B and the NYPD enforced Command Discipline A.
 - CCRB complaint number 201801230 involves substantiated allegations of stop, physical force, and chokehold against Police Officer Habib. The CCRB recommended charges and the NYPD has not yet reached a disposition.
- Police Officer Abbruzzese has been a member of service for six years and this is the first CCRB complaint to which he has been a subject.
- Police Officer Pascale has been a member of service for five years and this is the first CCRB complaint to which he has been a subject.
- Police Officer Abbruzzese has been a member of service for two years and this is the first CCRB complaint to which he has been a subject.

Mediation, Civil and Criminal Histories

- This complaint was unsuitable for mediation.
- filed a Notice of Claim with the Office of the New York City Comptroller regarding this incident and the associated one from March 9, 2019. Regarding this specific incident, say(2)(b) alleged he was pushed by officers and that officers did not return his property. Regarding both incidents, say(2)(b) claimed a total of \$200,000 in damages (Board Review 19).

§ 87(2)(b)					
C	he Office of Court Admi ctions in New York City	nistration (OCA), § 87(2)(b) ha	`		
Squad No.: 7					
Investigator:	Matthew Chaves Signature	SI Matthew Chaves Print Title & Name	04/10/2020 Date		
Squad Leader:		Manager Vanessa Rosen	April 14, 2020		
1	Signature	Print Title & Name	Date		

Reviewer:			
	Signature	Print Title & Name	Date